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FORM PTO-2053-B (REV. 10/03)

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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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In re Application of: O' Day  
Application No.: 10/735,971  
Filing Date: 12/15/03  
Title: MAGNETICALLY ALIGNED DISK DRIVE  
VOICE COIL MOTOR MAGNETS AND  
METHOD OF ALIGNING THE SAME  
Direct to: Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☒ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

2/4/05  
Date

James L. Johnson  
Signature  
James L. Johnson  
Typed or printed name

**A Copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,971	12/15/2003	Richard F. O'Day	3123-551	4281

25231 7590 12/17/2004

MARSH, FISCHMANN & BREYFOGLE LLP  
3151 SOUTH VAUGHN WAY  
SUITE 411  
AURORA, CO 80014



EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

DEC 20 2004

MARSH FISCHMANN & BREYFOGLE LLP



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**NOTICE UNDER 37 CFR 1.251 - Pending Application**

☐ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Miscellaneous Office Action submitting on 04/22/2004

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

James Murphy

(703) 305-6890



IFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

O'DAY

Serial No.: 10/735,971

Filed: 12/15/2003

Confirmation No.: 4281

Atty. File No.: 3123-551 (16420-02103)

For: "MAGNETICALLY ALIGNED DISK  
DRIVE VOICE COIL MOTOR MAGNETS  
AND METHOD OF ALIGNING THE  
SAME"

) Group Art Unit: 3726

) Examiner: Unknown

) REPLY

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>2/4/05</u></p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOGLE LLP</p> <p>BY: <u>Ruth E. Ogden</u></p>
--

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

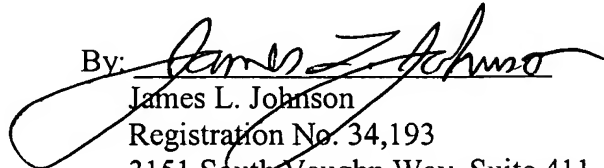
The Patent Office issued a Notice Under 37 C.F.R. §1.251 regarding the above-captioned patent application. This Notice indicates that the Patent Office was unable to locate "Miscellaneous Office Action Submitting on 4/22/04." Applicant has reviewed the file. There is no record in Applicant's file of ever receiving a communication of any type from the Patent Office on or around April 22, 2004. There are only two communications in Applicant's file after the initial submission. The Patent Office issued a Filing Receipt on March 24, 2004, and issued an Assignment Recordation Notice on July 1, 2004.

Please feel free to contact the undersigned if there are any questions or comments, or if Applicant can be of any further assistance.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:



James L. Johnson

Registration No. 34,193

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(701) 293-7680

Date: 2/4/05